

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT J. MADDAUS,

Petitioner,

v.

JERI BOE,

Respondent.

CASE NO. 3:17-cv-06020-TSZ-JRC

ORDER

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The authority for the referral is 28 U.S.C. §§ 636(b)(1)(A) and (B) and local Magistrate Judge Rules MJR3 and MJR4.

Petitioner filed his petition pursuant to 28 U.S.C. § 2254 in December 2017 and then requested that the Court stay the petition so that he could exhaust his state court remedies. *See* Dkts. 1, 9. The Court granted petitioner's request, stayed the matter, and required respondent to provide this Court with a status report and motion to extend the stay before it expired. *See* Dkt.

15. Since then, the Court has extended the stay on respondent's motion on eight occasions. *See* Dkts. 19, 25, 27, 29, 31, 36, 40, 42.

The stay is currently set to expire on August 16, 2022, and respondent has again moved to extend the stay. *See* Dkt. 43. Respondent submits that although petitioner's state court matter has finalized, petitioner is still pursuing state-court postconviction remedies. *See* Dkt. 43, at 2. Petitioner does not oppose the extension of the stay.

This Court may stay consideration of a habeas petition to allow a petitioner to exhaust his remedies in state court before returning to federal court. *See Rhines v. Weber*, 544 U.S. 69, 274–79 (2005). Because petitioner is still exhausting his state court remedies, the undersigned finds good cause to grant respondent's request. Therefore, it is ORDERED,

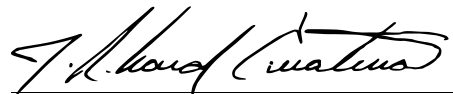
(1) Respondent's motion to extend the stay (Dkt. 43) is granted. The stay on this habeas proceeding is extended to **February 16, 2023**.

(2) Respondent shall file a report and motion to extend the stay, if necessary, on or before **January 19, 2023**.

(3) Should the state court dismiss petitioner's state post-conviction review or otherwise terminate review before February 16, 2023, petitioner or respondent shall inform the Court and request that the stay be lifted within 30 days of the state court's decision.

(4) The Clerk will note the deadlines set by this Order on the docket.

Dated this 4th day of August, 2022.



J. Richard Creatura
Chief United States Magistrate Judge